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AFRICAN UNITY
Addis Ababa



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أديس أبابا

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Annex C

OAU STAFF RULES

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OAU STAFF RULES

CHAPTER I: PURPOSE, SCOPE AND AREA OF APPLICATION

Article 1 - Purpose

The present Staff Rules, drawn up in pursuance of Article 2 of the Staff Regulations of the Organization of African Unity, supplement those Regulations.

Article 2 - Area of Application

The provisions of these Rules shall apply to all staff members and employees of the Organization as defined in Article 3 of the present Rules.

Article 3 - Definitions

(a) For the purpose of the application of the Staff Regulations and these Rules:

- (i) A "Staff Member" is any person employed by the Organization, permanently or temporarily, on the basis of monthly wages or salary;
- (ii) An "Employee" is any person employed by the Organization temporarily, on the basis of daily wages;
- (iii) "Personnel" includes all staff members and employees in the service of the Organization, unless otherwise clearly stated.

(b) (i) A "Permanent Staff Member" is a staff member assigned to a permanent post and to whom, after successful completion of a period of fixed-term contractual service, a permanent appointment has been granted in accordance with the provisions of para (c) of Article 13 of Staff Regulations;

(ii) A "Non-permanent Staff Member" is a staff member serving on a fixed term contract, either upon initial appointment or otherwise as provided in paras (b), (c) and (e) of Article 13 of the Staff Regulations.

- (c) "Dependent Spouse" is any person lawfully married to a staff member who is not engaged in any remunerated occupation in the Organization or elsewhere. The Organization shall recognize only one dependent spouse for each staff member.
- (d) "Dependent Child" is the legitimate child of a staff member or child legitimized or legally adopted in accordance with the laws of the staff member's country. A child shall be considered dependent if he is under the age of twenty-one except if he is permanently disabled in which case the age limit shall be twenty-four.
- (e) "Beneficiaries" of a staff member are those nominated by the staff member in writing and in conformity with the prescribed procedures. In the event of the staff member's death, all amounts standing to his credit shall be paid to the designated beneficiary or beneficiaries.

Article 4 - Use of Genders

References in the Staff Regulations and in these Rules to "staff members" or "employees" shall apply equally to men and women except when it is clear from the context that they are intended to apply only to men or only to women.

CHAPTER II: DUTIES, OBLIGATIONS AND RIGHTS

Article 5 - Duties and Obligations

In addition to the general obligations to serve, protect and defend the interests of the Organization set out in Articles 3 and 4 of the Staff Regulations, all staff members have the following further obligations, inherent in the nature of their functions and duties:

- (a) They shall devote themselves entirely to the performance of their duties, perform those duties in person and be at their post;
- (b) They shall observe scrupulously the working hours set by the Secretary-General;
- (c) They shall not exercise any other profession or engage in any employment outside the Organization without the prior authorization of the Secretary-General;

- (d) Any staff member who has occasion to deal in his official capacity with any matter involving a company or other business concern in which he has an interest, shall disclose the nature and extent of the interest to the Secretary-General;
- (e) They shall be accountable to their superior officers for the manner in which they exercise their authority, carry out orders given to them and supervise the execution of orders they have given. They shall not be exempted from blame for errors committed by their subordinates except in cases of misconduct by the latter;
- (f) On pain of disciplinary measures, they may not accept from any government or any other source external to the Organization, without the authorization of the Secretary-General, any honour, decoration, remuneration or any sort of favour incompatible with their obligations and duties towards the Organization or likely to compromise their independence;
- (g) They may exercise their civil rights but shall not engage in any political activity incompatible with the impartiality required by their status as international civil servants or which might be prejudicial to the Organization.

Article 6 - Obligations Relating to Information

- (a) By reason of their status as international civil servants of the OAU, staff members shall observe professional secrecy. To this end, they shall not communicate to anyone whatsoever or use to their private advantage any information, document, facts and communications which shall come to their knowledge in the course of the exercise of their duties except by the authorization of the Secretary-General if the latter thinks that it shall not be prejudicial to the basic interests of the Organization or of a Member State.
- (b) Staff members shall not, except in the normal course of their duties or with the prior authorization of the Secretary-General, issue statements to the press or other media of public information, make public statements or publish books, articles, etc., or any

subject which relates to the aims, activities or interests of the Organization.

- (c) The obligations stated in paragraphs (a) and (b) above remain in effect for five years after separation from the Organization, unless an exception is authorized by the Secretary-General.
- (d) Any misuse or unauthorized removal or destruction of official documents is strictly forbidden, as is the communication or reproduction of such documents or papers except in the course of official duties in the prescribed manner or on the instructions of a superior officer.

Article 7 - Copyright, Patent and Other Rights

All rights, including title, copyright and patent rights, in any work performed by a staff member as part of his official duties shall be vested in the Organization.

Article 8 - Official Holidays

- (a) Staff members shall be entitled to the following official holidays with pay:
 - (i) 25 May (Africa Day)
 - (ii) Legal and Public Holidays observed by the host country at the duty station.
- (b) Staff members who are nationals of a country which observes a national day are entitled to one day of official holiday with pay on that day, provided that they have submitted a request in writing and that not more than one such day may be granted each year.

Article 9 - Immunities and Privileges

The Immunities and Privileges enjoyed by the staff members under Article 7 of the Staff Regulations shall be the following:

- (a) The Secretary-General and Assistant Secretaries-General are entitled to the same immunities and privileges as diplomatic staff of diplomatic missions;
- (b) All other staff members, regardless of their nationalities, are entitled, in the territory of any Member State of the OAU and in the host country of their duty station, to Immunities as defined in the OAU General Convention on Privileges and Immunities.

in Headquarters Agreements and in such other Agreements that may be concluded by the OAU and host countries:

- (c) All staff members of Groups II and III, except nationals of the host country, are entitled to the same privileges as staff of diplomatic missions of equivalent rank;
- (d) The Secretary-General shall determine, from time to time, the conditions of entitlement to immunities and privileges on the basis of the various international conventions, the OAU General Convention on Privileges and Immunities and the Headquarters Agreement.

CHAPTER III: CLASSIFICATION OF STAFF AND POSTS

Article 10 - Classification of Staff

The Groups used to classify all the posts of the OAU staff, as defined in Article 8 of the Staff Regulations shall be the following:

(a) Group I - Elected Officials

Group I comprises the Secretary-General and the Assistant Secretaries-General.

(b) Group II - Professional and Technical Staff

Group II consists of two categories:

- First Category - (Professional Staff) includes staff members responsible for conceiving, planning, managing and monitoring activities;
- Second Category - (Technical Staff) includes technical staff responsible for developing, implementing and supervising activities and those with specialist functions, e.g. revisors, translators, interpreters.

(c) Group III - General Service Staff

Group III consists of two categories:

- First Category - (Administrative) includes qualified administrative staff, e.g. administrative clerks, secretaries, typists;

- Second Category (Auxiliary) includes staff performing routine duties of implementation and maintenance.

Article 11 - Grades and Steps

- (a) In each category of Groups II and III there shall be one or several levels (grades).
- (b) Each Grade of Category II shall comprise several steps as follows:
 - Grade P1 shall comprise 10 steps;
 - Grade P2 shall comprise 11 steps;
 - Grade P3 shall comprise 13 steps;
 - Grade P4 shall comprise 12 steps;
 - Grades from P5 to D1 shall comprise 10 steps;
 - Grade D2 shall comprise 4 steps.
- (c) Each Grade of Category III shall comprise several steps:
 - Grade GSA1 shall comprise 10 steps;
 - Grade GSA2 shall comprise 11 steps;
 - Grade GSA3 shall comprise 12 steps;
 - Grade GSA4 shall comprise 13 steps;
 - Grades GSA5 and GSA6 shall comprise 12 steps.

Article 12: Classification of Posts

The Secretary-General shall lay down the terms and conditions for the classification of posts depending on the nature of the duties and responsibilities inherent in those posts.

CHAPTER IV: APPOINTMENTS, PROMOTION AND RE-EMPLOYMENT

Article 13 - Recruitment

- (a) In order to respect the principle of recruitment according to national and sub-regional distribution of staff provided for in sub-paragraph (d) of Article 12 of the Staff Regulations, not more than ten (10) staff of the First Category of Group II (Professional Staff) shall be nationals of the same Member State. However,

whenever a Member State does not totally fill its quota, the quota may be filled on short term contracts by nationals of any other Member State.

- (b) Where candidates hold equal qualifications, priority shall be given to the nationals of Member States which are least represented.
- (c) Staff in the second category of Group II (Technical Staff) and of Group III (General Service Staff) shall not be included in the quota of Member States.
- (d) The Secretary-General shall communicate regularly to the Governments of Member States, the list of vacant posts together with job descriptions, requesting them to present appropriate candidatures and inform each Government of the status of its quota.

Article 14 - Internal and External Promotion

- (a) The Organization must, as far as possible, encourage the principle of internal promotion, without, however, any prejudice to the recruitment of fresh talents;
- (b) The promotion from the General Services Category (GSA) to the Professional Category (P) must necessarily be through a competitive examination.
- (c) All the staff members of the General Service Category having reached the ceiling of their grade or having a seniority of at least five (5) years in this category may sit for a competitive examination for a post in Grade P1.

Article 15 - Family Relationships

- (a) Except when another person equally well qualified cannot be recruited, an appointment shall not be granted to a person who bears any of the following relationships to a staff member: husband, wife, father, mother, sister, son or daughter.
- (b) A staff member who bears to another staff member any of the relationships specified in para (a) above shall not be assigned to service in a post which is superior or subordinate in the line of authority to the staff.

member to whom he or she is related. He or she shall disqualify himself or herself from participating in the process of reaching or reviewing an administrative decision affecting the staff member to whom he or she is related.

- (c) The marriage of one staff member to another shall not affect the contractual status of either spouse, but their entitlements and other benefits shall be modified in consequence.

Article 16 - Letter of Appointment

- (a) The Letter of Appointment provided to each staff member in accordance with Article 10 of the Staff Regulations shall contain expressly or by reference all the terms and conditions of employment. The contractual entitlements of staff members shall be strictly limited to those contained in the letter.
- (b) When a staff member is seconded to the service of the Organization by the Government of his country, the fact of the secondment and its expected duration shall be stated in the letter of appointment, a copy of which shall be provided to the Government.

Article 17 - Provision of Information by Staff Members

- (a) Before or at the time of appointment every staff member shall provide to the Secretary-General, in writing, the official information required for the purpose of establishing his status under the Staff Rules and Regulations.
- (b) Every staff member shall be responsible for promptly notifying the Secretary-General in writing of any subsequent changes affecting his status under the Staff Rules and Regulations.
- (c) A staff member who is arrested, charged with an offence, convicted, fined or imprisoned for any offence other than a minor traffic violation or similar offence shall immediately report the fact to the Secretary-General.

- (d) The Secretary-General may, at any moment, request any staff member to provide, in writing, information on facts anterior to his appointment and affecting his competence or concerning facts related to his integrity, conduct, moral character and services as staff member of the OAU.

Article 18 - Effective Date of Appointment

- (a) The appointment of a staff member recruited locally or at the duty station shall take effect from the date on which he starts to perform his duties.
- (b) The appointment of a staff member recruited otherwise than locally or at the duty station shall take effect from the date on which he leaves his normal place of residence and begins official travel to take up his duties, provided that he travels by the most direct route.

Article 19 - Probation and Confirmation

- (a) The probationary period provided for in para (a) of Article 13 of the Staff Regulations is a period of observation, during which a staff member who wishes to be confirmed in the service of the Organization may demonstrate, through his professional competence, good conduct and physical and mental fitness that he is apt to assume the duties and responsibilities of a staff member.
- (b) The duration of the probationary period shall be specified in the letter of appointment, in accordance with Article 13 (a) of Staff Regulations.
- (c) Two months before the expiration of the probationary period, the Director of the Department shall submit a written assessment of the staff member's qualifications, performance and conduct and his suitability as an international civil servant. This report shall be considered by the Recruitment, Appointments, Promotions and Staff Development Committee which shall recommend to the Secretary-General whether or not the staff member's contract shall be confirmed.

- (d) If the initial period of 12 months of probation is not judged satisfactory, it may be extended for a further period not exceeding six months. Two months before the expiration of the extended period the staff member's performance shall be reviewed again, as in para (c) above.
- (e) When a staff member has completed satisfactorily the normal or extended probationary period, his fixed-term contract shall, on the recommendation of the Recruitment, Appointments, Promotions and Staff Development Committee, be confirmed.
- (f) If the staff member's services are judged unsatisfactory after the extended probationary period, he shall be terminated, on the recommendation of the Recruitment, Appointments, Promotions and Staff Development Committee, under the provisions of Article 49 of these Rules.

Article 20 - Advancement and Promotion

(a) Individual Records and Periodic Reports

- (i) A report on the work and conduct of each staff member shall be prepared by his supervisors. The report shall be shown to the staff member, who shall be required to certify that he has seen it and received a copy of it and he shall also be entitled to place on the file, his comments concerning it.
- (ii) Staff members shall be informed of any adverse observations and remarks made in any confidential report on them and shall be entitled to submit to the authority to whom the report is addressed, their comments on its contents.

(b) Within Grade Advancement

- (i) Pursuant to paras (a) and (b) of Article 14 of the Staff Regulations, advancement of a staff member by grant of one or more salary increments within the same grade shall be made on the basis of satisfactory performance and merit;

- (ii) Advancement to the next higher step within the grade shall be granted, subject to a satisfactory performance report, after each year of continuous service;
 - (iii) The annual increment may be withheld if the staff member's performance is judged less than satisfactory, or as a disciplinary measure under Article 59 of these Rules; in that event, no increment shall be granted until twelve months have elapsed; at that time, a new increment may be granted but the increment which was withheld shall not be restored unless the Secretary-General decides that there are exceptional grounds for doing so;
 - (iv) A staff member whose performance has been judged exceptionally meritorious may be granted accelerated advancement by the award of not more than one step in addition to the annual increment normally due. Such accelerated advancement may be granted only once in the course of a staff member's service in a given grade. It shall, in any case, be subject to the availability of the necessary budgetary provisions.
- (c) Promotion in exceptional cases
- (i) On proposal by the Personnel Division based on the evaluation on report of the last three years, the Secretary-General may grant, within the limit of budgetary provisions, an exceptional promotion to staff members of Categories P and GSA who may have proved to be outstanding by their professional aptitude;
 - (ii) The proposal of the Personnel Division must be examined beforehand by the Advancement and Promotions Board, which shall then submit a recommendation to the Secretary-General on the granting or otherwise of the promotion;
 - (iii) The total number of these exceptional promotions shall, in any case, not exceed 2% of the total number of staff members promoted;

- (iv) It is understood that in the case of this exceptional promotion, the staff member shall be promoted only to the grade immediately above his grade.

(d) Right of Appeal

Every staff member shall have the right to appeal against decisions on advancement and promotion affecting him in accordance with the procedures established under Article 26 of the Staff Regulations.

Article 21 - Re-employment

- (a) A former staff member may be re-employed, subject to availability of a suitable vacant post and provided that the reason for his separation from service were not incompatible with his re-employment.
- (b) The staff member may be given a new appointment, the terms of which shall be fully applicable without regard to any period of former service.
- (c) Similarly, a staff member may be re-employed within twelve months of being separated from service. If more than twelve months have elapsed since his separation from service, he may be re-employed if separation was due:
- either to disability under the provisions of para (c) of Article 22 of the Staff Regulations and the Secretary-General is satisfied that the disability no longer exists;
 - or to release from the service of the Organization at the request of the staff member's government under the provisions of para (f) of Article 12 of the Staff Regulations, the staff member may be reinstated. In this event, the staff member shall return to the Organization all monies he received on account of separation: his service shall be considered as having been continuous and the interval between separation and reinstatement shall be charged, to the extent possible and necessary, to annual leave, with any further period being charged to special leave without pay.

CHAPTER V: REMUNERATION

Article 22 - Remuneration of Officials of Group I

- (a) In application of the provisions of para (b) of Article 16 of the Staff Regulations, staff members belonging to Group I (Elected Officials) shall be entitled to receive, in addition to their basic salary, the amount of which is determined by the Council of Ministers, the various allowances generally accorded to staff members as set out in Articles 23 to 28 below.
- (b) They shall also be entitled to the following special benefits:

- The Secretary-General

- (i) Free furnished house;
- (ii) Free household staff (three, including a guard);
- (iii) One official car with driver;
- (iv) Free utilities (water and electricity);
- (v) Free telephone (office and residence).

- Each Assistant Secretary-General

- (i) Housing Allowance;
- (ii) Household staff (three including a guard);
- (iii) One official car with driver;
- (iv) Free utilities (water and electricity);
- (v) Allowance for telephone (installation and rental);
- (vi) Free telephone - official calls (office and residence) - local calls.

Article 23 - Salary Scales

The salary scales of Group II (1st and 2nd Categories) and Group III, as approved by the Assembly of Heads of State and Government in accordance with para (c) of Article 16, of the Staff Regulations, are set out in Appendices A and B to the present Rules.

Article 24 - Post Adjustment Allowance

- (a) In order to ensure equivalence of purchasing power of OAU's salaries in different duty stations, a post adjustment allowance is added to or deducted from the salary of all staff members in Groups I and II except those recruited under the provisions of para (e) of Article 13 of the Staff Regulations and serving in their own country.
- (b) Post Adjustment indices shall be established for all localities where OAU staff are stationed, on the basis of indices established by the UN International Civil Service Commission.

Article 25 - Housing Allowance

- (i) Staff members whose housing is provided rent-free by the Organization or by an authority of the host country shall be subject to a deduction from salary in an amount to be determined by the Secretary-General.
- (ii) Staff members whose rent exceeds the level taken into account in fixing the levels of salary and post adjustment shall be entitled to a special rental allowance in accordance with conditions to be prescribed by the Secretary-General, provided that the accommodation was already occupied by the staff member before the date of entry into force of the new salary scale, and that the Secretary-General is satisfied that the staff member was unable to fund suitable accommodation at a lower rent.

Article 26 - Non-Resident's Allowance

Staff members of Group III (General Service Staff) who are not nationals of the country of their duty station and whose travel on initial appointment was paid by the Organization are entitled to receive, in addition to basic salary, a non-resident allowance. The rates of allowance for each duty station which shall be the minimum required to attract to the duty station, persons possessing qualifications which cannot be found locally and to compensate them for the higher cost of living for non-residents, shall be established from time to time by the Council of Ministers. Such members shall also be entitled to home leave travel, education grant and other expatriate benefits.

Article 27 - Allowances related to Dependents.

- (a) Spouse allowance shall be paid to any staff member whose spouse satisfies the definition of dependency in para (c) of Article 3 of these Rules and who certifies that he does not receive similar benefits in respect of his spouse from any other source. Spouse allowance shall equally be payable to a female staff member whose spouse satisfies the same conditions. The amount of the spouse allowance shall be determined from time to time on recommendation of the Secretary-General to the Council of Ministers.
- (b) Children's allowance shall be paid to any staff member in respect of a maximum of six dependent children (four for staff members recruited as from 1 June, 1990) satisfying the definition in para (d) of article 3 of these Rules, up to the age of twenty-four if the child is permanently disabled. Payment of this allowance shall be subject to the presentation, by the staff member, of a written claim supported by evidence satisfactory to the Secretary-General. The amount of the children's allowance shall be determined from time to time on recommendation of the Secretary-General to the Council of Ministers.
- (c) Education grant shall be payable to staff members in Groups I and II whose duty station is elsewhere than in their home country and to those in Group III who are recruited outside the country of their duty station, in respect of each child in full-time attendance at an educational institution. The grant shall be payable up to end of school year in which the child attains the age of 21 years. The amount of the grant shall be determined, from time to time, by the Council of Ministers on the recommendation of the Secretary-General. In addition, a staff member to whom an education grant is payable under the foregoing provisions in respect of his child's attendance at an educational institution elsewhere than at the duty station shall be entitled to travel expenses for the child for one return journey in each school year between the school and the duty station, provided that the cost of travel shall not exceed the cost of a round trip journey between the staff member's home country and duty station and that the payment may be refused if attendance at the school is for less than two-thirds of the school year or if the Secretary-General considers

the proposed travel to be unreasonable either because of its timing in relation to other authorized travel of the staff member or of other family members or because the length of stay would be too short in relation to the expense involved.

Article 28 - Allowances Related to Appointment and Travel

(a) Subsistence Allowance

Subsistence allowance is payable to staff members undertaking travel at the expense of the Organization in the conditions specified in Chapter VIII of these Rules, in accordance with a schedule of rates of daily subsistence allowance by country established by the Secretary-General with the approval of the Council of Ministers.

(b) Installation Allowance

Installation allowance is payable to a staff member on initial appointment (provided he has not been recruited in the country of the duty station) or on reassignment to another duty station. On arrival at the new duty station he shall receive an allowance to meet extra-ordinary living expenses consisting of the full rate of the daily subsistence allowance authorized under the preceding paragraph for himself and 50 per cent of that amount for each eligible dependant accompanying him, for a maximum period of sixty days.

Article 29 - Other Service Allowances

- (a) Overtime Allowance: Staff members of Group III, 1st and 2nd Categories, who are required to work in excess of the normal week shall be entitled to compensation. Those belonging to either 1st or 2nd Category shall be entitled to compensatory time off, those belonging to the second category only shall be entitled alternatively to payment of an overtime allowance. The hourly amounts of overtime allowance of each grade and step of Group III, 2nd Category, shall be established by the Secretary-General. The payment shall be subject to budgetary provisions and shall in no case exceed in any given month, 25 per cent of the staff member's base salary for that month.

- (b) Acting Allowance: Any staff member may be called upon to assume temporarily, the functions and responsibilities of a post immediately above his own. If he does so satisfactorily for more than thirty days, he shall be entitled from the thirty-first day, to an acting allowance. The allowance shall be based on the difference between the basic monthly salary attached to the staff member's actual grade and step and what he would have received if promoted to the grade of the post the functions of which he is temporarily performing, provided that the allowance shall not exceed US\$ 140.00 per month.
- (c) Training Allowance: A staff member who is granted special leave in accordance with the provisions of Article 33 of these Rules for the purpose of undertaking an approved course of study in the interest of the Organization shall be entitled, if the course is held elsewhere than at the duty station, to a training allowance additional to his salary. The Secretary-General shall propose the terms and conditions of the training allowance to the Council of Ministers for approval. If the trainee receives an allowance from any other source, the Organization's allowance shall be abated by the amount received.

Article 30 - Termination Indemnity

A staff member whose confirmed fixed-term contract or permanent appointment is terminated for abolition of post or reduction of staff or because the staff member's physical or mental health incapacitates him for further service in accordance with the provisions of Article 22 of the Staff Regulations, shall be entitled to receive a termination indemnity equivalent to one month of base salary for each complete year of service up to a maximum of twelve years, provided that:

- (i) No indemnity shall be paid to a staff member who resigns, who retires upon reaching the age limit, whose fixed-term contract has not been confirmed, who is separated at the normal expiry date of a fixed-term contract, who is dismissed for misconduct or who is terminated under the provisions of paras (e), (f) and (g) of Article 22 of the Staff Regulations (i.e. termination after conviction for a criminal offence or in light of facts anterior to appointment which would have precluded the appointment, or conduct prejudicial to the smooth administration of the OAU).

- (ii) A staff member whose fixed-term contract or permanent appointment is terminated under the provisions of para (b) of Article 22 of the Staff Rules for unsatisfactory service may, at the discretion of the Secretary-General be paid a termination indemnity not exceeding half the standard amount stated above.

Article 31 - Salary Advances and Loans

- (a) The Secretary-General may, in exceptional and compelling circumstances and upon the written request of a staff member supported by satisfactory justification, authorize the advance to the staff member of not more than one month's net salary exclusive of allowances and other entitlements. The advance shall be liquidated by deductions from the staff member's salary beginning in the second month following that in which the advance was made and spreading over not more than six months.
- (b) Staff members of all categories may be granted loans for the purchase of means of transport. The Secretary-General shall establish the terms and conditions for such loans, including appropriate means of transport for each category and modalities of repayment.

CHAPTER VI: ANNUAL, HOME AND SPECIAL LEAVE

Article 32 - Annual Leave

Pursuant to the provisions of para (a) of Article 18 of the Staff Regulations:

- (a) The staff members of Groups I and II and non-locally recruited staff members of Group III shall be entitled to twenty-eight (28) working days leave per year of active service. Annual leave may not be accumulated beyond one hundred and ten (110) working days or commuted for cash.
- (b) Staff members of Group III locally recruited shall be entitled to twenty (20) and twenty-six (26) working days for staff members with less than five (5) and those with more than five (5) years of active service respectively. Annual leave may not be accumulated beyond forty (40) and fifty-two (52) working days for each category respectively.

- (c) A staff member who does not qualify for annual leave may be granted advance annual leave for a maximum period of twenty-four (24) working days provided that he completes his period of qualifying service subsequently.
- (d) A staff member who at the time of his separation from service has accrued annual leave shall be entitled to receive in lieu thereof a sum of money in accordance with the provisions of para (b) of Article 52 of these Rules.
- (e) Leave may only be taken when authorized and subject to the exigencies of the service. Unauthorized absence from duty shall not be charged to annual leave and no salary or allowance shall be paid for such period of absence.

Article 33 - Home Leave

- (a) Instead of annual leave, staff members who are serving outside their home country shall be entitled once in every two years of qualifying service, to visit their home country at the Organization's expense.
- (b) In exceptional and compelling circumstances, the Secretary-General may, at the request of a staff member, authorize payment of home leave travel expenses to a country other than the staff member's home country provided that the cost does not exceed that of travel to the home country.
- (c) Staff members may take their home leave at any time in the calendar year in which it falls due, subject to the exigencies of service and to an authorization having been given. A staff member may be required to take his home leave in conjunction with travel on official mission, due regard being had to the interests of the staff member and his family.
- (d) In exceptional circumstances the Secretary-General may authorize a staff member, at his request, to take home leave in advance of the calendar year in which it falls due, provided that not less than eighteen months of qualifying service have been completed and that not less than eighteen months have elapsed since the staff member's return from his previous home leave. The granting of advance home leave shall not advance the calendar year in which the following home leave would normally fall due.

- (e) The first home leave for an eligible staff member shall fall due in the second calendar year after the one in which the staff member took up his duties. In no case shall home leave be granted before the staff member's initial contract had been confirmed. Home leave shall not be granted unless the staff member's service is expected by the Secretary-General, to continue at least six months beyond the date of return to duty from proposed home leave.
- (f) If a staff member delays taking his home leave beyond the calendar year in which it falls due, the leave not taken shall be forfeited and he shall not be entitled to take his next home leave until the second calendar year following that in which his leave was due. The Secretary-General may however, decide that exceptional considerations related to exigencies of the service make it necessary for a staff member's home leave to be delayed beyond the calendar year in which it falls due, in which case the delayed leave may be taken without altering the due time of the following home leave, provided that no less than twelve months shall elapse between the staff member's return from the delayed home leave and departure on the next home leave.
- (g) Eligible family members residing with the staff member at the duty station shall be entitled to home leave, normally in conjunction with the travel of the staff member; however, an exception may be authorized if the exigencies of the service or other special circumstances prevent the staff member and his family members from travelling together.
- (h) If both husband and wife are staff members eligible for home leave, each staff member shall have the choice of exercising his or her own entitlement or of accompanying the spouse. Dependent children whose parents are both staff members entitled to home leave may accompany one or the other parent, provided that neither child nor parent shall thereby enjoy home leave travel more frequently than otherwise permitted by these Rules.

Article 34 - Special Leave

- (a) The Secretary-General may grant special leave with pay, with partial pay or without pay, at a staff member's request for personal reasons, or to enable a staff member undertake a course of study in the interest of

the Organization, or if the staff member is released from service at the request of the Government of his country.

(b) Special Leave for Personal Reasons

In the case of important family events, such as confinement of a spouse, wedding, death of a spouse or child or parent or brother or sister, a staff member may, in accordance with terms and conditions prescribed by the Secretary-General, be granted three days of leave with pay which shall not be charged to annual leave; however, not more than ten such days may be taken during any calendar year, any further days being charged to annual leave.

- (c) In other exceptional circumstances the Secretary-General may grant a staff member, at his request, special leave for reasons of personal convenience or other important reasons, for such period and on such terms as the Secretary-General shall prescribe.

(d) Special Leave for Training Purposes

A staff member may be granted special leave for the purpose of undertaking a course of study which is considered likely to enhance his value to the Organization; the conditions to which such leave is subject shall be specified at the time it is granted.

- (e) If the staff member has been awarded scholarship, bursary, training grant or study leave by the Organization, he shall be placed on special leave with pay and continue to receive the salary and allowances to which he is normally entitled, in addition to any allowance granted under the award, grant or leave, provided that he has signed an agreement to refund to the Organization, all expenses connected with the training if he:

- (i) does not obtain a certificate of satisfactory attendance at the course; or
- (ii) does not return to his post; or
- (iii) undertakes any other course of instruction after the completion of the approved course when he should have returned to his post without specific approval of the Secretary-General; or

- (iv) resigns from the Organization within two years of his return to duty if the period of training has been one year or less and a further two years for each additional year of the training period.
- (f) If the place of the approved training course is elsewhere than within commuting distance of the duty station the staff member shall be eligible for payment of return travel for himself alone between the duty station and the place of the course, as well as to the Training Allowance provided for under para (c) of Article 29 of these Rules. He shall be expected to devote himself full-time to the course and shall not engage in any remunerated employment; if he does receive any salary or other emolument from any other source during the training course, he shall not be entitled to any salary or allowances from the Organization in respect of the same period.
- (g) A staff member wishing to follow a course of training under a technical assistance scheme shall apply to be nominated for the course through the normal administrative channels. In selecting candidates for nomination, the paramount considerations shall be the staff member's aptitude as well as the benefit of the course to the Organization. The Organization is not bound to endorse awards arranged by a staff member without prior clearance with the Organization. Staff members attending such courses with the Organization's approval shall continue to receive their normal salary and allowances and, if the course is held elsewhere than at their duty station, the Training Allowance provided for in para (c) of Article 28 of these Rules.
- (h) If a staff member is authorized, at his request, to take a training course other than those referred to above, the conditions shall be determined by the Secretary-General and may include the grant of special leave without pay, in which case, the staff member shall be required first to exhaust his entitlements to annual leave and thereafter shall not be entitled to salary or allowances.

(i) Release from service of seconded staff

When a staff member who is seconded to the service of the Organization by the Government of his country is released from the service by the Secretary General at the request of that Government in accordance with the provisions of Article 12 (f) of the Staff Regulations, the staff member may be placed on leave without pay in the conditions set out in para (g) of Article 17 of the Staff Regulations for a period not exceeding twelve months or, at the discretion of the Secretary-General, separated from service in the conditions set out in para (d) of Article 23 of the Staff Regulations.

- (j) A staff member who is placed on leave without pay shall at the expiry of his leave, resume his post or, failing this, be separated from service. A staff member who is separated from service in accordance with the provisions of this Article shall be eligible to be re-employed in accordance with the provisions of Article 21 of the present Rules.

CHAPTER VII: SOCIAL SECURITY

Article 35 - Sick Leave

Staff members who are incapacitated from the performance of their duties by illness or injury shall be granted sick leave under the following terms and conditions:

- (a) All sick leave must be approved and authorized on behalf of the Secretary-General by the Organization's Medical Officer or, at the duty stations away from Headquarters, by another physician recognized by the Organization.
- (b) A staff member holding a fixed-term contract for less than one year shall accrue sick leave credit at the rate of two working days per month of service.
- (c) A staff member holding a fixed-term contract for one year or longer, whether confirmed or not, may be granted sick leave up to two months on full salary and two months on half salary in any period of twelve consecutive months, provided that the amount of sick leave permitted in any three consecutive years shall not exceed six months of which three months shall be on full salary and three months on half salary.

- (d) A staff member holding a permanent appointment may be granted sick leave up to three months of full salary and three months on half salary in any period of twelve consecutive months, provided that the amount of sick leave permitted in any three consecutive years shall not exceed eight months of which four months shall be on full salary and four months on half salary.
- (e) Staff members shall be responsible for informing their supervisors as soon as possible of absence due to illness or injury. Any absence from duty on grounds of illness or injury shall be supported by a medical certificate from the OAU Medical Officer or a duly qualified medical practitioner to the effect that the staff member is unable to perform his duties and stating the probable duration of illness.
- (f) A staff member who is on sick leave shall not leave the area of the duty station without the prior approval of the Secretary-General on the advice of the OAU Medical Officer.
- (g) A staff member who has exhausted his entitlement to sick leave under paras (c) and (d) above shall be examined by the Medical Panel to determine the staff member's fitness to continue in the service of the Organization, having regard to the provisions of para (c) of Article 23 of the Staff Regulations regarding termination on medical grounds.
- (h) A staff member may be required at any time to undergo examination by the Medical Officer to ensure that he is free from any ailment likely to impair the health of others.
- (i) A staff member in whose household there is any case of infectious disease or who receives a quarantine order affecting his household shall immediately inform the OAU Medical Officer or, elsewhere than at Headquarters, other physician recognized by the Organization. If the staff member is directed not to attend the Office, he shall continue to receive his full salary and other entitlements during the period of forced absence.
- (j) Medical Evacuation
 - (i) When, in case of serious illness or injury, it is necessary for a staff member or eligible dependant to leave the duty station for medical diagnosis or treatment,

authorization for travel at the expense of the Organization shall be given by the Secretary-General on the advice of the Medical Panel or, when it is not available, of a group of at least two doctors appointed or recognized by the Secretary-General. The Medical Panel or group of doctors shall, in particular, verify that facilities for the necessary diagnosis or treatment do not exist locally. Nevertheless, if the life of the staff member or dependant is in danger or if specialized examination is urgently needed for diagnosis of a difficult case, approval for medical evacuation may exceptionally be given by an appropriate authority on the spot.

- (ii) The period from the beginning of the staff member's travel on medical evacuation until he is fit to resume duty shall be considered as sick leave.
- (iii) If the staff member or eligible dependant is treated as an out-patient he shall be entitled to the daily subsistence allowance applicable to the country concerned for a period not exceeding three months, except if the place where he is treated is his normal place of residence in the home country. Any extension beyond the period of three months may be authorized only by the Secretary-General in exceptional circumstances and on the advice of the Medical Panel. The payment of daily subsistence allowance shall in any case not exceed the maximum period of the staff member's entitlement to sick leave.
- (iv) The Secretary-General may, on medical advice, also authorize payment of travel expenses for a doctor or nurse or for another family member to accompany the sick staff member or dependant. If for a doctor or nurse, the authorization shall be for return travel and for the minimum unavoidable stop-over at the place of treatment. If for a family member, in addition to return travel, daily subsistence allowance may be authorized if the staff member or sick dependant is hospitalized and the accompanying family member is obliged to stay in a hotel.

- (v) Where the staff member has received special treatment away from the duty station and, after his return to duty has been medically advised to report back for further examination and treatment, the Medical Panel or Group of doctors appointed shall determine whether it is necessary for the staff member to travel again to the place where he was treated or whether the follow-up treatment could satisfactorily be provided at the duty station.

Article 36 - Maternity and Paternity Leave

- (a) A staff member who will have served continuously for one year at the anticipated date of her confinement shall be entitled, upon presentation of a medical certificate, to maternity leave on full pay for twelve weeks, (i.e. six weeks before and six weeks after confinement).
- (b) A staff member with less than one year of continuous service at the anticipated date of confinement shall be given accrued annual leave and, on her request, special leave without pay for the balance of her absence.
- (c) On the occasion of the confinement of his spouse a staff member shall be entitled, in accordance with the provisions of para (b) of Article 34 of these Rules, to three days of special leave with pay as paternity leave.

Article 37 - Compensation for Service-incurred Illness, Injury or Death

All staff members shall be entitled to compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the Organization. The terms and conditions of this compensation shall be established by the Secretary-General and approved by the Council of Ministers.

Article 38 - Medical Assistance Plan

- (a) Staff members of all categories shall be entitled to participate in the Medical Assistance Plan.
- (b) Medical expenses incurred by staff members shall be refunded to the extent and in the conditions defined in the Rules of the Plan.

- (c) Medical expenses incurred outside the duty station shall be eligible for refund under the Plan provided that the staff member was on an authorized mission in the place where the expenses were incurred or that he or an eligible family member was on approved leave or that the expenses relate to a child in respect of whose attendance at school in the locality where education grant is being paid under para (c) of Article 27 of the present Rules.

Article 39 - Pension

- (a) All staff members of Group I, Group II and Group III holding appointments for one year or more or who have completed one year's uninterrupted service shall participate in the OAU Pension Plan.
- (b) The conditions of participation and the entitlements of participants shall be as provided for in the Regulations of the Pension Plan approved by the Council of Ministers.

CHAPTER VIII: TRAVEL

Article 40 - Authority for Travel

All travel of staff members, or of their dependants at the expense of the Organization shall be subject to a written authorization by the Secretary-General or his representative. It is the staff member's personal responsibility to make sure that he has such an authorization before undertaking travel.

Article 41 - Types of Travel

Subject to the provisions set out in the present Rules, the Organization shall pay expenses of travel of the following types:

- (a) On official mission on behalf of the Organization;
- (b) On initial appointment (recruitment) from the staff member's recognized home or place of recruitment to the duty station;
- (c) On change of duty station (transfer);

- (d) On home leave, from the duty station to the place recognized in his letter of appointment as his home or other authorized place and return;
- (e) On separation from service, from the duty station to the place recognized in his letter of appointment as his home or other authorized place;
- (f) For medical reasons in accordance with para (j) of Article 35 of these Rules, for security reasons or for other special reasons as authorized by the Secretary-General.

Article 42 - Route, Mode and Class of Travel

- (a) All travel at the expense of the Organization shall be by the route, mode and standard of transportation approved in advance by the Secretary General. The normal route shall be the most direct and most economical.
- (b) The class of travel by air shall be for the Secretary-General and Assistant Secretaries-General, first class, and for all other staff members, economy class. If surface travel by land or sea is authorized, the class and conditions shall be specified by the Secretary-General.
- (c) The Secretary General shall determine from time to time, conditions for payment of excess baggage charges, including those for transport of official documents and other materials, particularly for conferences and meetings organized by or in conjunction with the OAU.
- (d) Staff members shall not be entitled to keep any refund from unused tickets or from reduction in class of travel. Any such refunds and unused tickets shall be returned to the Travel Section of the Secretariat on completion of travel.

- (e)
 - (i) Whenever a staff member is authorized to use his own means of transport for official travel, he shall be paid mileage allowance at a rate determined by the Secretary General. The Organization, shall however, not be liable to any other claims arising from the use of the private vehicle of the staff member.
 - (ii) Where two or more officers travel in the same private vehicle on official travel, mileage allowance shall be paid to only one of them.
 - (iii) Mileage allowance shall be payable to such a staff member if the distance covered by the vehicle is more than 15 kms outside the official duty station.
- (f) Staff members may claim reimbursement of any other authorized or unforeseen expenses incurred during travel and not deemed to be covered by the daily subsistence allowance, subject to submission of relevant receipts and supporting documents. The reimbursement of such expenses shall be subject to terms and conditions established by the Secretary General.

Article 43 - Entitlement to Subsistence Allowance

- (a) Staff members travelling on official mission shall be entitled to daily subsistence allowance at the rate established for the localities visited as provided in para (a) of Article 28 of these Rules, during travel and for the duration of their mission, including any period recorded as sick leave but excluding any time for travel other than by the most direct route undertaken at the traveller's own initiative.
- (b) Staff members travelling on appointment, change of duty station, home leave or separation shall be entitled to subsistence allowance during travel time, including authorized stop-over.
- (c) Staff members authorized to travel at the Organization's expense for medical reasons under para (j) of Article 35 of these Rules shall be entitled to subsistence allowance as provided for in that Article.

Those authorized to travel for security or other special reasons under para (f) of Article 41 of these Rules shall be entitled to subsistence allowance on conditions to be determined by the Secretary General in each case.

Article 44 - Travel on Initial Appointment

On initial appointment the Organization shall pay travel expenses for the staff member and eligible family members from the staff member's home country, place of normal residence or place from which he was recruited to the official duty station.

Article 45 - Travel on Separation

On separation in accordance with the provisions of Articles 22 and 23 of the Staff Regulations, the Organization shall pay travel expenses for the staff member and eligible dependants from the duty station to the home country or to some other place, the cost of travel

to which does not exceed the cost to the home country, provided that if the staff member has resigned after less than one year of service or within six months after return from home leave, no return travel expenses shall be paid unless the Secretary General is satisfied that there are sufficient reasons for authorizing payment.

Article 46 - Travel of Dependants

(a) When a staff member is authorized to travel at the Organization's expense on appointment, change of duty station, home leave or separation, the Organization shall pay the travel expenses of eligible family members who accompany the staff member, in the same conditions as those of the staff member.

(b) The persons in respect of whom travel expenses are payable, subject to the provisions of para (d) below, shall be the spouse (whether dependent or not) and dependent children as defined in para (d) of Article 3 of these Rules.

(c) Payment may also be authorized for return travel to the home country (or other place providing the cost is not greater) of a former spouse or of a child who has ceased to be dependent, provided that in the latter case travel shall be undertaken within one year following the cessation of dependency or the completion of a course of study.

- (d) Payment of travel expenses in respect of family members upon appointment or change of duty station shall be subject to the condition that the staff member's appointment or assignment to the new duty station is for not less than one year.

Article 47 - Transportation of Deceased

- (a) Upon the death of a staff member or his spouse or dependant child, the Organization shall bear the expenses of transportation of the remains from the duty station or, if death occurred while in travel status, from the place of death, to the staff member's home country or place of normal residence. These expenses shall include the cost of coffin, undertaker's fees and reasonable costs for the preparation of the body. If local internment is chosen, rather than return to home country, reasonable expenses incurred for the internment shall be reimbursed.
- (b) In case of death of a staff member, the Organization shall bear the expenses of round-trip travel of the spouse or, in the absence of the spouse, other close relation having resided with the staff member at the duty station, to accompany the remains. The Secretary General shall also designate his representative to accompany the remains.
- (c) Similarly, in case of death of the spouse or dependent child of a staff member elsewhere than at the duty station, the Organization shall bear the cost of travel of the staff member by the most direct and quickest route to the place of death.

Article 48 - Transportation of Household Goods and Personal Effects

Upon initial appointment, change of duty station, for not less than one year, or separation from service, or in case of death, the Organization shall pay the cost for the transportation of a staff member's personal effects and removal of his household goods, in accordance with detailed conditions established by the Secretary-General.

CHAPTER IX: SEPARATION

Article 49 - Resignation

- (a) In accordance with Article 22 of the Staff Regulations, a staff member may resign by giving the Secretary General the required notice in writing as follows:
 - (i) If he holds a permanent appointment, three months' notice;
 - (ii) In all other cases, one month's notice.
- (b) The Secretary General may accept resignation on shorter notice.
- (c) If a staff member leaves before the expiration of the required period of notice without the authorization of the Secretary General, the Organization shall deduct from any monies due to the staff member, an amount equivalent to his salary and allowances for the remaining part of this period of notice.

Article 50 - Termination

- (a) The Secretary General may terminate the appointment of a staff member for any of the reasons specified in Article 23 of the Staff Regulations by giving him three months' notice in writing if he holds a permanent appointment or one month's notice in writing if he holds a confirmed fixed-term contract. A staff member whose fixed-term contract has not been confirmed may be terminated with one month's notice in writing at any time during the probationary period for any of the reasons specified in Article 23 of the Staff Regulations or without notice at the end of the probationary period if his contract is not confirmed under the conditions set out in Article 19 of these Rules.
- (b) The Secretary General may also terminate the appointment of a staff member who holds a fixed-term contract prior to the expiry date for such other reasons as may be provided for in the letter of appointment.

- (c) No appointment of a staff member shall be terminated until the case has been examined by the Recruitment, Appointments, Promotions and Staff Development Committee and the Committee has submitted its advisory opinion to the Secretary General in accordance with Article 56 of these Rules.
- (d) Before a proposal for the termination of a staff member for unsatisfactory services is presented to the Recruitment, Appointments, Promotions and Staff Development Committee, the staff member concerned shall have been given a written warning by his supervisors; if he still fails to attain the required standard, a recommendation for termination shall be submitted through hierarchical channels. The Recruitment, Appointments, Promotions and Staff Development Committee shall ensure that the staff member is given the opportunity to answer the complaints made against him before reaching its conclusion and submitting its advisory opinion to the Secretary General.
- (e) In lieu of the prescribed period of notice, the Secretary General may authorize payment of compensation based on the salary and allowances the staff member would have received had the date of termination been at the end of the notice period.
- (f) Retirement on attaining the age limit or non-renewal of a fixed-term contract shall not regard a termination within the meaning of these Rules.

Article 51 - Retirement

The separation from service of a staff member who retires in accordance with the provisions of Article 24 of the Staff Regulations shall take effect on the last day of the month in which he reaches the age of sixty.

Article 52 - Financial Obligations and Entitlements Upon Separation

- (a) Before separation from service for whatever cause, a staff member shall be required to reimburse to the Organization any monies he may owe it and to indemnify the Organization, partially or in full, for any financial loss suffered by it as a result of the staff member's negligence or of his having violated any regulation, rule or administrative instruction.

(b) A staff member who at the same time of his separation from service has accrued annual leave shall be entitled, in accordance with para (e) of Article 32 of these Rules, to be paid in lieu thereof a sum of money equivalent to his base salary for the period corresponding to the number of working days of annual leave accumulated, excluding any compensatory days, subject to a maximum of 110 working days.

(c) If, upon separation, a staff member has advance annual leave or sick leave beyond that which he has subsequently accrued, he shall make restitution for such advance leave by refund or by offset against monies due to him from the Organization, equivalent to the salary and allowances received in respect of the outstanding days of advance leave.

(d) Termination Indemnity

The conditions in which a staff member whose permanent appointment or confirmed fixed-term appointment is terminated may be entitled to receive a termination indemnity, and the amount of the indemnity, are set out in para (b) of Article 30 of these Rules.

Article 53 - Effect of Criminal Proceedings Against a Staff Member

(a) A staff member who is charged with a criminal offence, other than a minor traffic offence, shall report the fact to the Secretary General in accordance with para (c) of Article 17 of these Rules.

(b) Where a prima facie case of a serious nature has been established against a staff member and it is considered that the continued performance of his duties is against the interest of the Organization or prejudicial to the investigation of the charge against him, the Secretary General shall suspend the staff member from carrying on his duties and shall suspend him from the exercise of the powers and functions of his office pending the outcome of the investigation into the matter. Such suspension shall, however, carry with it the payment of salary.

(c) A staff member against whom a criminal charge is laid or against whom proceedings are being instituted shall be suspended from duty if it is considered that in the interest of the Organization he shall cease to exercise the powers and functions of his office immediately. On

suspension, the staff member shall be entitled to receive half of his monthly emoluments. A staff member on suspension shall cease to perform his duties and also cease to report for duty. He shall not leave his duty station without the written and specific approval of the Secretary General during the period the case against him is pending.

- (d) If the staff member is acquitted of the criminal offence with which he was charged, he shall be reinstated in his functions and shall be entitled to any part of his salary which was withheld. Nothing, however, shall prevent the Secretary General from taking disciplinary action after consultation with the Joint Disciplinary Board, against the staff member on grounds of any other charge arising from the staff member's conduct in the matter, provided that the charge is not the same as the criminal charge of which the staff member has been acquitted nor does it raise substantially the same issues as that charge.
- (e) If the staff member is convicted on a criminal charge, the Secretary General, in consultation with the Joint Disciplinary Board, shall consider the proceedings of the criminal court and, if he is of the opinion that the staff member's appointment should be terminated under para (e) of Article 23 of the Staff Regulations or that disciplinary measures should be taken against that staff member under Article 26 of the Staff Regulations, he shall take appropriate action in accordance with those Articles.

CHAPTER X: PERSONNEL ADVISORY BODIES

Article 54 - Composition and Terms of Reference

The composition and terms of reference of the Personnel Advisory Bodies provided for in Article 25 of the Staff Regulations shall be as defined in the following Articles:

Article - Joint Administrative Committee

- (a) The Joint Administrative Committee shall be composed of:
- the Assistant Secretary General in-charge of the Department of Administration (CHAIRMAN);

- the Director of the Department of Administration and Conferences;
- the Chief Legal Adviser;
- one Senior Official from each other Department designated by the Secretary General for a term of one year;
- four staff members designated by the Staff Association for a term of one year;
- the Head of Personnel Division (who shall act as SECRETARY).

- (b) If a member of the Committee is unable to attend a meeting he may be replaced by an alternate: in the case of the members designated by the Secretary General and the Staff Association respectively such alternates shall be drawn from lists established by the Secretary General and the Staff Association at the same time as the titular members are designated. In the absence of the Assistant Secretary General, the Director of the Department of Administration and Conferences shall act as Chairman and may be replaced by another member of his Department.
- (c) The Joint Administrative Committee is competent to consider all questions of general interest concerning the staff: such as personnel policies, changes in the Staff Rules and Regulations or in administrative instructions and procedures and questions of staff conditions of work and welfare. It shall not examine cases of individual staff members.
- (d) The Committee shall consider all matters referred to it by the Secretary General. It may also decide to include in its agenda, questions raised by the Chairman, by any of its members or by the Staff Association.
- (e) The Committee shall meet at least twice a year and as often as required for the transaction of its business. The Committee's report, containing the summary of its discussions and its recommendations, shall be submitted by the Chairman to the Secretary General.

Article 56 - Recruitment, Appointments, Promotions and Staff
Development Committee

- (a) The Recruitment, Appointments, Promotions and Staff Development Committee shall be composed of:
- the Assistant Secretary General -in-charge of the Department of Administration (Chairman);
 - the Director of the Department of Administration and Conferences;
 - the Chief Legal Adviser;
 - Two Senior Officials designated by the Secretary General;
 - Two members designated by the Staff Association;
 - the Head of Personnel Division (who shall act as Secretary).
- (b) The Committee shall examine the files and records of all candidates having the required minimum qualifications for each post to be filled. In accordance with para. (c) of Article 12 of the Staff Regulations, it shall ensure that due consideration is given to the qualifications of staff members already in the service of the Organization. It shall hear the recommendations of the Department concerned and, having regard to the criteria set out in Article 12 of the Staff Regulations and Article 13 of these Rules, shall make its recommendations to the Secretary General.
- (c) The Committee shall consider and make its recommendations on all proposals for action relating to staff members on probation (confirmation, extension, termination); renewal of fixed-term contracts or grant of permanent status; withholding of within-grade increment or grant of accelerated advancement; selection for promotion; termination for any of the reasons stated under Article 23 of the Staff Regulations, and any other proposals for action concerning the personnel status of individual staff members which are brought to its attention. The Board shall not be concerned with disciplinary cases.

- (d) The Committee shall also consider the applications of staff members for scholarships, bursaries or training grants.
- (e) The Committee may constitute from among its members, sub-committees to consider particular cases or categories of cases; such Sub-committees shall normally be chaired by the Director of the Department of Administration. Unless otherwise decided by the Committee, the reports of the Sub-Committees shall be submitted to the Committee.
- (f) The Committee or any of its sub-committees shall have the right to request any other staff member whose evidence it believes may be relevant to its appreciation of the case being considered to appear before it. When a case of termination on grounds of ill-health is being considered, the OAU Medical Officer shall participate in the Board's deliberations ex officio.
- (g) The Committee shall meet as often as required on the convocation of its Chairman.

Article 57 - Medical Panel

- (a) The Medical Panel shall be composed of the OAU Medical Officer(s) and other medical practitioners in the regular or consultative service of the Organization.
- (b) Each member of the Panel in turn shall act as Chairman, case by case.
- (c) The Panel shall examine all cases referred to it by the OAU Medical Officer or by the Head of Personnel Division relating to the physical or mental fitness of a person to be appointed to the Secretariat or to continue in its service: prolonged illness after exhaustion of sick leave entitlement; termination on grounds of ill-health; service-incurred accident; injury or illness; resumption of service after disability or long illness; medical evacuation, etc.
- (d) The Panel's deliberations shall be strictly confidential. Its conclusions or recommendations shall be presented to the Secretary General through the Assistant Secretary General in-charge of the Department of Administration and Conferences or to other appropriate authority.

- (e) If the Panel's findings are contested either by the staff member concerned or by the Secretary General, the Panel shall reconsider the case, being enlarged for this purpose by two doctors qualified to practise in the duty station country, one chosen by the staff member concerned, and the other by the Secretary General. The enlarged Panel's conclusion shall be reached if necessary by a simple majority and it shall be considered valid and final (without prejudice to the right of the staff member to appeal in accordance with the provisions of Article 62 of these Rules against any administrative action that may be taken consequent upon the medical findings).

Article 58 - Joint Disciplinary Board

- (a) The Joint Disciplinary Board established in application of Article 26 of the Staff Regulations shall be composed of:
- the Director of the Department of Administration and Conferences;
 - one member appointed for each case by the Secretary General;
 - four members drawn from lists established annually by the Staff Association for each category of Group II and Group III, provided that at least two of the members appointed for the hearing of each case shall belong to the same Group and Category as the staff member whose case is being heard;
 - the Head of Personnel Division or other staff member appointed by the Secretary General for the hearing of a particular case, who shall act as Secretary.
- (b) No member of the Board shall be of a grade lower than that of the staff member whose case is being heard.
- (c) The Secretary General may, at the member's request, if he deems the request justified, excuse any member of the Board from participation in the hearing of a specific case. In that event, the member so excused shall be replaced by another staff member of the same category, appointed in the same conditions as the excused staff member.

- (d) the Head of Personnel Division or another person exceptionally appointed as Secretary for the hearing of a particular case shall act as rapporteur and shall supply any information needed by the Board but shall not participate in the deliberations.
- (e) The Board shall be chaired by the most senior officer in Grade participating.
- (f) The Board shall examine cases referred to it by the Secretary General. Its procedures shall be as defined in Article 60 of these Rules.

Article 59 - Disciplinary Measures

- (a) The disciplinary measures which the Secretary General may impose upon a staff member in application of Article 26 of the Staff Regulations shall be as follows:

- (i) Censure: a censure shall be recorded in the staff member's file.

- (ii) Deferment or Withholding of Annual Within-grade Increment:

In imposing this sanction, the Secretary General shall specify whether the step (or steps) withheld are definitively forfeited or whether one or more of them may be restored should there be no recurrence of unsatisfactory conduct within a period fixed by the Secretary General.

- (iii) Suspension Without Pay: A staff member suspended without pay as a disciplinary measure (as distinct from suspension pending investigation as provided in para. (d) of Article 60 of these Rules) shall cease to perform his duties and shall cease to receive salary or allowances. The period of suspension without pay shall not exceed ten (10) working days.

- (iv) Denial of Promotion: In imposing this sanction the Secretary General shall specify the number of years for which the staff member shall not be promoted having regard to the provisions of para. (c) of Article 20 of these Rules.

- (v) Demotion: Unless otherwise specified by the Secretary General, a staff member who is demoted shall not be eligible for promotion before the expiry of the period specified in para. (c) (ii) of Article 20 of these Rules.
 - (vi) Dismissal on Disciplinary Grounds: A staff member who is dismissed on disciplinary grounds shall not be entitled to notice and he shall not be entitled to termination indemnity.
- (b) An oral or written warning or reprimand shall be distinguished from a written censure by the Secretary General as defined in para (a) (i) above; it may be given by the supervisor or other superior officer and shall not be considered as a disciplinary measure.

Article 60 - Procedures to be followed in Disciplinary Matters

- (a) When a charge of misconduct is made against a staff member, his supervisor shall ask him for a written explanation, giving him a reasonable time to reply.
- (b) When the staff member's written reply is received, or upon the expiration of the time allowed for reply, if it is considered that a prima facie case exists for disciplinary action, a report setting out the charge and proposing the disciplinary measure to be taken, together with the staff member's reply, shall be forwarded through hierarchical channels to the Secretary General.
- (c) If the Secretary General considers that there are grounds for disciplinary action, he may impose a written censure, as defined in para. (a) (i) of Article 59 of these Rules, but in all other cases he shall refer the matter to the Joint Disciplinary Board for advice before imposing any other disciplinary measure.
- (d) If the Secretary General considers that there is prima facie evidence of serious misconduct by a staff member and that a staff member's continuance in service will be prejudicial to the interests of the Organization or to the investigation of the charge, the Secretary General may suspend the staff member from duty pending his decision in the case. Such suspension shall carry with it the payment of salary; it shall be without prejudice to the rights of the staff member and shall

not constitute a disciplinary measure. While suspended from duty the staff member shall not leave the area of the duty station without the authorization of the Secretary General.

- (e) The Joint Disciplinary Board, established in conformity with Article 26 of the Staff Regulations and whose composition is defined in para. (a) of Article 58 of these Rules, shall be seized of the case by the Secretary General. The Board shall be convened by the Director of the Department of Administration.
- (f) The charge against the staff member, his reply and all other documents relevant to the case shall be communicated to the members of the Board and to the staff member concerned. Sufficient time shall be given to study these documents, bearing in mind the desirability that the Board act with the maximum dispatch. The confidential records of the staff member concerned shall be made available to the Chairman of the Board.
- (g) The proceedings of the Board shall be considered valid only if two-thirds of its members are present, including one member designated by the Staff Association of the same Group as the staff member whose case is being heard.
- (h) Proceedings before the Board shall normally be limited to the original written presentation of the charge, together with a brief statement, and rebuttals which may be made orally or in writing or both.
- (i) The staff member concerned may be represented by a lawyer at his own expense or by another staff member of his choice who is not a member of the Joint Disciplinary Board.
- (j) If the staff member concerned so requests, the Board shall hear him or his representative. The Board may also decide to hear any other person whose evidence it believes, may be relevant to the establishment of the truth.
- (k) The Board shall adopt its findings, by a majority of its membership. The report, which shall be signed by all members present, shall contain the Board's findings and recommendations to the Secretary General as to

which disciplinary measure, if any, should be imposed and the reasons thereof, together with any minority opinion. The report shall be submitted to the Secretary General by the Chairman.

- (l) The members of the Board shall respect, during the deliberations and thereafter, the confidential character of the Board's proceedings.
- (m) The Secretary General's decision shall be made known to the staff member concerned and also to the members of the Board. The staff member shall have the right to appeal against the Secretary General's decision in accordance with Article 27 of the Staff Regulations.

Article 61 - Abandonment of Post

A staff member who absents himself from duty without authorization shall be liable to disciplinary action under Article 26 of the Staff Regulations. After he has been absent for five days, a registered letter shall be sent to his last known address, calling upon him to return to duty or to provide satisfactory justification for his absence and warning him that if he fails to do so disciplinary action will be taken against him. If no reply is received within fifteen (15) days, a second registered letter shall be sent notifying him that disciplinary action shall be taken against him under Article 60 of these Rules. The disciplinary action shall then proceed after a further fifteen (15) days, notwithstanding the absence of the staff member and, unless there are special or attenuating circumstances, shall lead to his dismissal for abandonment of post. The dismissal shall take effect from the first day of the staff member's unauthorized absence.

Article 62 - Appeals by Staff Members

- (a) A staff member wishing to appeal against an administrative decision concerning him shall, as a first step, address a letter to the Secretary General requesting that the administrative decision in question be reviewed: such a letter must be sent by registered mail if the staff member is serving away from the Headquarters within thirty days from the date of the contested decision. If the Secretary General confirms the decision or if no reply is received by the staff member within thirty days, the staff member shall be entitled to file, within a further thirty days, an appeal with the Administrative Tribunal in the form prescribed in the Tribunal's Rules of Procedure, reproduced in a separate document.

- (b) The filing of an appeal shall not have the effect of suspending execution of the decision contested unless the Secretary General decides otherwise.

CHAPTER XIII: GENERAL PROVISIONS

Article 63 - Entry into Force

These Rules shall come into force upon their approval by the Council of Ministers.

Article 64 - Amendments

In conformity with Article 29 of the Staff Regulations, these Rules may be supplemented or amended by the Council of Ministers, subject to the maintenance of the acquired rights of staff members.

Article 65 - Implementation

The Secretary General shall take all necessary measures to implement these Rules and, without prejudice to the acquired rights of staff members, shall notify them of all administrative measures he deems appropriate to that end.

Adopted in Addis Ababa on 7 July, 1990.

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